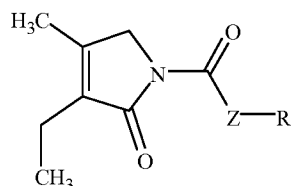


REMARKS

This Amendment and Election is submitted in response to the Office Action mailed May 25, 2006.

The claims originally presented encompass compounds of a
5 certain structure (Formula 3), where:



Z = O, S or NY; and wherein

R = aryl or heteroaryl

The Office Action alleges that restriction is required under 35 U.S.C 372.

10 Accordingly, the applicant here elects to prosecute the claims related to Group II, to wit, the compound of formula 3 wherein Z=O and R is aryl.¹ The claims have been amended to fall within the elected species. Note that these amendments are presented simply to conform the claims to the elected species, and not to overcome any rejection related to
15 patentability.

¹ The Office Action contains a minor typographical error; it asks for restriction to the species where “R is phenyl.” The claims and disclosure, however, teach that R is not phenyl (C₆H₅), but specific aryl or heteroaryl compounds which contain phenyl.

The special technical feature of the instant invention is a compound of formula 3 which is not known in prior art. The compound of formula 3 is used to prepare compound of formula 4 in higher purity of about 99.5%. When the compound of formula 4 is prepared by prior known
5 process such as in US Patent Number 4,379,785 it is obtained only in about 95-96% purity (see comparative example 2). Thus the special technical feature, the compound of formula 3 makes a contribution over the prior art in that when the compound of formula 4 is prepared from a compound of formula 3, it is of higher purity than known in the state of art. The compound
10 of formula 4 prepared by the process of the present invention is further converted to the compound of formula 1 in pure form.

The applicants have elected to prosecute claims wherein Z is O and R is aryl. Thus, all the claims are linked together by an essential structural element of compound of formula 3, which is a special technical
15 feature and as discussed above having a contribution over prior art. Thus applicants propose that a single general inventive concept is present.


The instant invention relates to formation of amide linkage of compound of formula 4 from Markush grouping of alternatives of compound of formula 3 and hence shares a common property of formation of amide

linkage. The common property is that the compounds of formula 3 allow formation of amide linkage of compound of formula 4. All compounds represented by formula 3 possess the same utility, i.e., formation of amide linkage of compound of formula 4.

5 All the alternatives in the compounds of formula 3, possess a common structure, viz., 3-ethyl-4-methyl-3-pyrrolidin-2-one and show a common property, thus can be regarded as being of similar nature and hence satisfy unity of invention condition.

Applicant respectfully believes the claims are in condition for
10 prompt examination and allowance.

Respectfully submitted on behalf of the Applicant by its attorneys,
PHARMACEUTICAL PATENT ATTORNEYS, LLC

15 /s/
Mark Pohl, Reg. No. 35,325
Direct *Mark.Pohl@LicensingLaw.Net*
 +1 (973) 984-0076

20 Pharmaceutical Patent Attorneys LLC
55 Madison Avenue, 4th floor (P 4014)
Morristown, NJ 07960-6397 USA
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